

### REMARKS

Claims 1-7 are pending. No new matter is added. Reconsideration and allowance of the above-referenced application are respectfully requested.

#### Priority

The present application claims priority to US Application Serial No. 10/683,269, filed on October 14, 2003. The priority information was included in a Declaration and Power of Attorney that was filed with the present application. However, the priority claim was not included in the Specification of the present application.

Pursuant to this response, the Specification is amended to include a priority claim as follows:

#### **CROSS-REFERENCE TO RELATED APPLICATION**

[0000.1] This application claims the benefit of priority to U.S. Patent Application Serial No. 10/683,269 entitled "Pin Assembly for Track Roller Bogie of Track-Type Drive System" filed on October 14, 2003, and now abandoned.

Further, in accordance with 37 CFR 1.78(a)(3), a Petition to Accept a Delayed Priority Claim was filed with the response of July 7 2008. However, the petition was dismissed because the amendment to the Specification to include the priority claim incorporated an application by reference. A second Petition to Accept a Delayed Priority Claim was filed with the supplemental amendment filed on August 15 2008. The second petition was also dismissed because the incorrect application number was included in the priority claim. A new Petition to Accept a Delayed Priority Claim is filed with this supplemental amendment. As set forth in 37 CFR 1.78(a)(3), the new petition is accompanied by the reference required under 35 USC 120 and 37 CFR 1.78(a)(2) to the prior-filed application, the surcharge set forth in 37 CFR 1.17(t), and a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. A Declaration from Applicants' representative, Mutsumi International Patent Bureau, explaining the circumstances that caused the delay is also attached to this response.

### Drawings

Applicants acknowledge the receipt of a Final Office Action mailed on December 17, 2008 in this application. The Final Office Action includes objections to the drawings. These objections will be addressed in due course.

### 35 USC 102

Claims 1-7 stand rejected under 35 USC 102(e) as allegedly being anticipated by Murakami et al. hereinafter "Murakami." Applicants respectfully submitted that a grant of the Petition to Accept a Delayed Priority Claim that is filed with this response will obviate these rejections.

As discussed previously, the present application claims priority to Murakami. Although the priority information was included in a Declaration executed by the inventors, the priority claim was inadvertently omitted from the Specification. In this response, an amendment to include the priority claim is presented along with a Petition to accept an unintentionally delayed priority claim.

Applicants respectfully request that the Petition be granted. Further, Applicants submit that upon the petition being granted, the present application will properly claim priority to Murakami. Consequently, Murakami is not prior art under any section of 35 USC 102.

Accordingly, Applicants respectfully submit that claims 1-7 are not anticipated by Murakami, and request that the rejections of claims 1-7 under 35 USC 102(e) be withdrawn.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

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paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: December 19 2008

/ Sushil Shrinivasan L0368 /

Sushil Shrinivasan  
Reg. No. L0368

Fish & Richardson P.C.  
PTO Customer No. 26171  
Telephone: (202) 783-5070  
Facsimile: (877) 769-7945  
40537290.doc